

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:10cv19**

**GMAC MORTGAGE, LLC, )  
Plaintiff, )  
v. )  
CURTIS J. MATHEWS and CAROL )  
W. MATTHEWS, )  
Defendants. )  
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**ORDER**

Pending before the Court is the Consent Motion to Release and/or Strike the Order of Prejudgment Attachment and Preliminary Injunction [# 58]. After holding a hearing in this case, the Court issued a preliminary injunction and granted Plaintiff's request for a prejudgment attachment. (Order, Jul. 12, 2011.) The Court's Order enjoined Defendants, their officers, agents, servants, employees, and attorneys from depositing, transferring, distributing, and/or spending the insurance proceeds at issue in this dispute pending further order of this Court. The Court also directed Plaintiff to post bond in the amount of \$2000 as security for the issuance of the preliminary injunction and order of attachment. Subsequently, the parties conducted mediation and reached a settlement.

The parties now move the Court to vacate its prior order freezing the

insurance proceeds at issue so that Defendants can deposit the funds into their attorneys' trust account. In addition, Plaintiff requests that the Court release the \$2,000 bond.

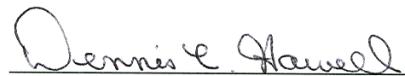
Upon a review of the parties' motion and the record in this case, the Court **GRANTS** the consent motion [# 58]. The Court **DIRECTS** the parties as follows:

- (1) The Court **VACATES** its July 12, 2011, Order [# 46] and lifts the preliminary injunction in this case.
- (2) Upon receipt of the insurance proceeds at issue in this dispute, the Court **ORDERS** Defendants to immediately deposit the funds into their attorneys' trust account. The amount of insurance proceeds to be deposited into the trust account is set forth in the Borrowers' Affidavits, which are attached as Exhibit A to the Consent Motion to Release and/or Strike the Order of Prejudgment Attachment and Preliminary Injunction.
- (3) The Court **DIRECTS** the Clerk to release the \$2000.00 security bond previously deposited with the Court. The Clerk shall issue a check made payable to "GMAC Mortgage, LLC", and mail the check to: Nicholas J. Voelker, Bradley Arant Boult Cummings LLP, 100 North Tryon Street, Suite 2690, Charlotte, NC 28202.
- (4) The Court **DIRECTS** the parties to file a stipulation of dismissal

within thirty (30) days of the entry of this Order.

(5) The Court **CANCELS** the hearing set for November 17, 2011, in Asheville, North Carolina.

Signed: November 16, 2011



Dennis L. Howell  
United States Magistrate Judge

